

Minutes of the Veneta City Council

November 13, 2007

Council

Present: Mayor T. J. Brooker, Thomas Cotter, Darrell Carman, and Sharon Hobart-Hardin

Absent: Marion Esty

Others: Ric Ingham, City Administrator; Brian Issa, Community Services Director; Carrie Connelly, Legal Counsel; Sheryl Hackett, City Recorder; Darci Henneman, Assistant City Recorder; Kyle Schauer, Public Works Superintendent; Jerry Elliott, City Engineer; Marie Bailey, Farmers' Market Manager; Mona Linstromberg, Herb Vloedman, Devon Trottier, Ron Tyree, Gary Henry, William Wright, Cathy Coulsen-Keegan, and Jeneca Jones, West Lane News

Mayor Brooker called the Veneta City Council meeting to order at 7:00 p.m.

1. PUBLIC COMMENT

Mona Linstromberg, 87140 Territorial Road, Veneta, OR

Ms. Linstromberg felt the proposed Local Improvement District (LID) for East Bolton Hill Road is a legislative process. She didn't know if she should speak during the public comment session or wait until Ordinance 475 comes up for discussion. She said several people spoke at the December 11, 2006 City Council meeting on the East Bolton Road LID. She felt even though the City provided information either in materials or work sessions, Ordinance No. 475 is still complex. She said the process does not include identified neighborhoods that would be effected by an LID. She felt the City has not been consistent and wondered if neighbors feel they are bearing the brunt of the City's actions or inactions. She felt there should be a public hearing on the East Bolton Road LID prior to the City passing Ordinance No. 475.

Herb Vloedman, Fern Ridge Chamber of Commerce, 24949 Highway 126, Veneta, OR

Mr. Vloedman spoke on behalf of the Fern Ridge Chamber of Commerce who is in favor of finding another funding mechanism to support road maintenance within the City. He said the Chamber is not in support of the gas tax. They felt a local gas tax would add an extra burden to area businesses and residents and encourage people to fuel up in Eugene.

Devon Trottier, 24733 Dogwood Lane, Veneta, OR

Ms. Trottier said the access road being used at Dogwood Lane is in need of repair. She said the ruts are getting worse with the heavy truck traffic. She also asked why it took so long for the City to respond to her on the bulk water issue she brought before Council in August. She said in August she was told the City only sells bulk water for development within the City. She wanted to know why she wasn't told bulk water is sold for private use outside the City. She asked if the City has a 20 year water supply, how long will that last if bulk water is sold for use outside the city limits?

Ron Tyree, 4000 Spring Boulevard, Eugene, OR

Mr. Tyree represented Tyree Oil who owns and operates the Pacific Pride cardlock commercial gas station in Veneta. He supports upgrading the City streets but not by enacting a local gas tax. He said local dealers will be even more burdened with the high cost of fuel. He said local taxes hinder the statewide effort for a gas tax. He asked the Council to hold off on approving a local gas tax. He said the Oregon Petroleum Association (OPA) has been actively working to put a statewide gas tax up for vote in 2009. He said they have also been gathering signatures to support a state gas tax only. They have been active in keeping city gas taxes from being implemented. He said Veneta has 1900 registered voters. It would only take 192 signatures to refer any action on a gas tax to the May 2008 election. He said if the City did implement a local gas tax the OPA would work against it.

Gary Henry, 25800 Wolf Creek Road, Veneta, OR

Mr. Henry said gas taxes in Junction City and Eugene were defeated. He is concerned a local

gas tax would hurt our community. He said he works in Eugene but usually purchases his gas in Veneta. He said when he gets the opportunity he fuels up in Eugene because it's cheaper.

William Wright, 25130 East Broadway, Veneta, OR

Mr. Wright is concerned about the proposed LID ordinance developers would benefit more from the LID than current homeowners. He felt the LID would put homeowners in debt or force them to sell.

Cathy Coulson-Keegan, 25130 East Broadway, Veneta, OR

Ms. Coulson-Keegan felt the LID ordinance isn't fair for all. She said property owners may develop at a future date but what if they don't. She felt it needs more input and work to make everyone feel included and it shouldn't be rushed in to.

2. CONSENT AGENDA

MOTION: Thomas Cotter made a motion to approve the consent agenda. Sharon Hobart-Hardin seconded the motion.

Vote: Mayor Brooker, aye; Thomas Cotter, aye; Darrell Carman, aye; and Sharon Hobart-Hardin, aye.

The consent agenda as approved included minutes for October 8, 2007 Work Session; Minutes for October 22, 2007; Minutes for November 5, 2007 Public Open House; Minutes for November 5, 2007 Joint Work Session; Bills Paid for October 2007; Public Works Activity Report for October 2007; and the Annual Light Parade Permit.

3. PUBLIC HEARING - ST. CATHERINES' PROPERTY EXCHANGE

- a. Mayor Brooker opened the public hearing at 7:20 p.m.
- b. Declaration of Conflict of Interest or Ex-Parte Contacts: None
- c. Staff Report

Ric said the City is proposing exchanging Lot 502 for a parcel owned by St. Catherines' Church. He said Lot 502 is the site of Well No. 5 which has not been operational for 10 to 12 years. Ric said the abandonment process is almost completed as required by the State of Oregon. Ric said the City was approached by St. Catherines' Church over a year ago in hopes to consolidate their property by creating a contiguous piece of property. He said Lot 502 is adjacent to the northeast corner of several of St. Catherines' parcels. He said a parcel owned by St. Catherines' is adjacent to the Veneta Public Works yard and City Park. Ric said by exchanging the parcels, the City and St. Catherines would both be able to create contiguous parcels of their own. Ric said in 2006 the Council declared Lot 502 as surplus City property. Last summer the property was surveyed and appraised by Duncan Brown Appraisers for \$65,000. Lots 501 and 503 came in at \$330,000. The difference in property value is \$265,000. Staff recommended the City accept the appraised values and proceed with the exchange to include Lot 502 for the acquisition of the St. Catherines' Church property.

- d. Public Testimony

Mona Linstromberg, 87140 Territorial Rd., Veneta, OR

Ms. Linstromberg wanted to comment on the status of Well No. 5. She was concerned if the reason the City was abandoning it was because of lack of water. She said when she moved to Veneta 10 years ago her well was not producing water and now it is fully functional.

Ric said the City abandoned the well because of poor quality not quantity of water.

- e. Questions from the Veneta City Council: None

f Mayor Brooker closed the public hearing at 7:25 p.m.

The Council accepted the dollar value of the appraisal and said they would like to move forward with the property exchange with St. Catherines Church.

MOTION: Darrell Carman made a motion to direct staff to move forward with the property exchange with St. Catherines Church. Sharon Hobart-Hardin seconded the motion which passed with a vote of 4-0.

4. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

(1) S.A.N.T.A. Donation Request

Mayor Brooker read the letter from Lydia Schauer and Caren Conger thanking the Council for their donation last year and requested a donation for the upcoming S.A.N.T.A. program.

Ric said last year all donations made by City Councilors were made individually and City staff time was an "in kind" donation. He said the City has not made a contribution to the S.A.N.T.A program through the Zumwalt or the Council's Discretionary Fund. The Councilors agreed to continue with the City making "in kind" donations by way of City staff time. Mayor Brooker said anyone interested in making a donation to contact Lydia Schauer or Caren Conger.

(2) Farmer's Market Update

Marie Bailey, the Farmers' Market Manager, provided the Council with the end of the year information on the Farmers' Market. She said the Market operated within the projected budget and profits were higher than expected. She said outreaching to local farms began in early June. The goal was to communicate with established farmers within a 20 mile radius from the City of Veneta. She contacted 36 farmers, 14 of which provided product and 7 of those 14 were established farmers. She made contact with 53 additional people and people also dropped off produce. She said nine independent vendors participated in approximately half of the weekly markets but filled in on a regular basis. She said 59 consumers are on their mailing list and 35 returning customers purchased products at each market. Marie said 87% of the income came from consignments and 12% from vendors. Vendor fees were waived in September because the vendors were making very little profit and she wanted to encourage the vendors to return the following year. She said there was great enthusiasm and felt all the vendors will return to next year's Market as well as additional farmers.

Councilors thanked Marie for her efforts on a job well done.

Ric said the graph Marie referred to was not included in the packet because it was received after packets were distributed. He said copies will be provided next week. Ric said the plan is to start the Farmers Market in June 2008 and run through September.

(3) Appointment of new member to the Planning Commission

Mayor Brooker appointed Linda Boothe to fill the Planning Commission vacancy created by Keith Hartley's resignation.

b. COUNCIL/COMMITTEE LIAISONS

Sharon Hobart-Hardin said the Parks Board is very excited about the revitalization plans for Ralph Johnson Park. She said if they proceed as hoped,

the park will be a highlight for the City. She said all game squares for the Fern-Ridge-Opoly are sold. Sharon said production will start in February and Park Board members hope to raise \$15,000 from the sale of the game.

She also said the Ford Family Leadership meeting was well attended. There will be a community conference late this month in Bend, Oregon.

5. STAFF REPORTS

c. COMMUNITY SERVICES DIRECTOR BRIAN ISSA

(1) Cup of Joe (Temp-3-07) Permit Review and SDC Charges

Brian addressed the Cup of Joe SDC's assessments and the planning process involved. Brian said during pre-development discussions with the applicant, staff laid out two application options. The applicant could either apply for a Site Plan Review or a Temporary Use Permit. The applicant was informed that in order to apply for a Site Plan Review, a site plan for the entire shopping center (currently a single parcel under one ownership) would need to be drawn up and approved. This is required by Veneta Land Development Ordinance 461. Brian said the shopping center was built years ago so there is no record of a site plan. He said even if a site plan existed, it probably wouldn't comply with current landscaping standards. Brian said the applicant didn't want to undertake a site plan review and asked for an exemption or approval of a temporary use permit. Brian said the applicant didn't qualify for a variance that would avert the site plan requirements. Staff was also concerned about possible safety and traffic congestion issues associated with a temporary use permit that could not be attached to the site plan approval. Brian said a temporary use permit is roughly \$700, of which \$350 is a deposit for the public notice. Brian said the applicant was refunded some of those funds. He said a site plan review would require a deposit of \$1700 plus the cost of staff time to process the site plan review. He said the temporary permit allowed the applicant to open for less than \$650 verses \$1600 plus the cost for staff time to prepare a more extensive site plan for the entire shopping center. Brian said Nina's Pony Expresso coffee kiosk has a temporary use permit which is renewed annually at the West Lane Center. Brian said this situation raises several questions: 1). How we should assess temporary uses for SDCs. 2). What to do if someone pays the SDC and then moves or goes out of business. 3). How would the City address true temporary uses, i.e., Christmas tree lots versus semi-permanent uses like coffee kiosks.

Brian gave three options for addressing these concerns: 1). SDCs could be prorated or refunded when a use is discontinued. Brian did not prefer this option because it may open up all uses to being eligible for refunds. 2). Disallow coffee kiosks, food stands, etc. as temporary uses and require a full site plan review for these uses (This would require a code amendment). 3). Exempt temporary uses from SDCs entirely and limit semi-permanent uses to a single year before they must submit for a site plan review. (This would require a code amendment).

Staff recommend option 3 which would allow coffee kiosks and other similar uses to be established as a temporary use in order to test the waters. If the use is successful over the first year, they would convert the temporary permit to a permanent site plan and pay all SDCs. This would require a significant code amendment. Brian recommended determining which option should be used, if any, for handling semi-permanent uses and asked Councilors to direct staff to include any necessary revision in the next round of code updates.

Sharon Hobart-Hardin suggested option 3 with a code amendment. Mayor Brooker suggested option 2 or 3.

Brian said this would open other situations to be allowed in this category. He said it's not clearly defined as to how far we can go with updating the current standards.

In response to a question from Darrell Carman, Sheryl Hackett said the shopping center received a major renovation in the 80's but there wasn't a requirement for a site plan amendment in the code at that time.

(2) Transportation SDC and Pass-by Rates

Brian's second memo dealt with transportation SDC. He said the owners of the Cup of Joe coffee kiosk questioned the City's method of charging SDCs for uses which are typically a stop on the way to a specific designation versus uses that generate new trips. He said during the course of staff's review, they determined that some cities include a factor in their SDC methodology which accounts for this difference. He said the factor is commonly referred to as a "pass-by rate". The City of Veneta does not currently use this factor which in some cases, drastically reduces the amount charged for transportation SDCs.

Brian said a pass-by trip occurs when a motorist is already on the road to a specific destination and makes stops on the way. He said the pass-by rate for a coffee kiosk and a convenience store would be .39. Which means the coffee kiosk was the destination of only 39% of the motorists on the roadway. Brian said the Fern Ridge Shopping Center and the coffee kiosk both paying SDCs may lead to charging multiple uses for the same trips on the roadway. He said if we apply the pass-by rate transportation SDCs will decrease and some street funds would need to come from another source.

Ric said Brian did his due diligence and found more information while researching the Cup of Joe SDC assessment. He said staff needs a policy direction from the City Council.

In response to a question from Darrell Carman if this new information will help Cup of Joe, Brian said the transportation SDC is new and pass-by rates don't exist for all types of businesses, i.e. Ixtapa, Chicago Joe's. He said Cup of Joe is the only one that would qualify for the trip pass-by rate.

In response to a question from Thomas Cotter, Brian said he was working with LCOG to provide him with more information. Brian said also, our current process needs to be expanded in order to enact the pass-by rate.

After much discussion between Council, staff, Carrie Connelly and explanations from Jerry Elliott, Mayor Brooker said there is a need for more study. He would like to know what cities our size are using. Ric said we have a stacked agenda through the calendar year. He said this is going to take more time and some input from Carrie Connelly.

- a. CITY ADMINISTRATOR RIC INGHAM
(1) **Ordinance 475** - AN ORDINANCE RELATING TO PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS; REPEALING ORDINANCE NOS. 122, 123, 206, 213 AND 389; AND DECLARING AN EMERGENCY. For first reading by title only. Second reading by title only and final enactment

Mayor Brooker requested a recap of the changes discussed.

Carrie Connelly said Ordinance No. 475 has been before the Council at two previous Council meetings. She said at the last Council meeting there was some

confusion in **Section I** and **Section 13**. She clarified those changes for the Council.

A memo from Sheryl Hackett was attached to Ordinance No. 475 addressing the emergency clause added to Ordinance No. 475 for first and second reading and final enactment at tonight's City Council meeting. Sheryl said the City would like to coordinate the Bolton Hill Road sewer improvements with the Bolton Hill Road capital improvement project that Lane County will be doing in early 2008.

Darrell Carman said the City Council formed a sub-committee to address the overwhelming public comments received on the proposed E. Bolton Road local improvement district (LID). He felt the sub-committee did a good job at addressing community concerns with Ordinance No. 475 and highly recommended it be adopted.

Thomas Cotter said he and Darrell Carman met on several occasions with community members and staff and worked hard to provide a document that is fair to citizens and the City. He agreed with Darrell Carman and recommended approval.

MOTION: Darrell Carman made a motion to approve Ordinance No. 475 for first reading by title only. Sharon Hobart-Hardin seconded the motion.

Mayor Brooker asked Carrie Connelly for clarification on a portion of the public comment letter received from Judy Hayes-Ebert. In Ms. Ebert's letter she referred to "public contracts".

Judy Hayes-Ebert was in the audience and said the "private contracts" she referred to were the irrevocable petitions some residents were obligated to sign when they purchased their property from the developer.

Carrie said the irrevocable petition/remonstrance/LID issue is happening all over the state. She said people are often unaware at the time of purchase, that properties are subject to a non-remonstrance agreement. She said the City bears the brunt of the political fall out when they attempt to proceed with the improvement. She said there are several other tools the City is moving towards using. She said LIDs have historically been used for creating public improvements. Carrie said if the developer doesn't create a public improvement prior to construction, the City will need to re-coop the funds from the property owners. She said the City requires developers to initially pay a portion of future LIDs prior to development. The City can then rely on the money when the decision is made to initiate a public improvement.

Judy Hayes-Ebert said she isn't interested in remonstrating, she just wants equality.

Ric said the process was long and thorough and felt the Councilors created the most fair and equitable solution possible.

MOTION: Vote, 4-0.

Assistant City Recorder, Darci Henneman read Ordinance 475 into the record by title only.

MOTION: Darrell Carman made a motion to approve Ordinance No. 475 for second reading and final enactment. Sharon Hobart-Hardin seconded the motion

which passed with a vote of 4-0.

Assistant City Recorder, Darci Henneman read Ordinance 475 into the record by title only.

- (2) **Resolution 959** - A RESOLUTION ADOPTING SPECIFICATIONS AND STANDARDS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE CITY OF VENETA AS REQUIRED BY VENETA MUNICIPAL CODE CHAPTER 13.30 AND REPEALING RESOLUTION 775

Sheryl Hackett said Resolution No. 959 updates the City's Construction Standards and includes a section that will allow the City to use the updated State standards. She pointed out a typographical error, the "C" was left out of "Specifications". She said the City has 11 modified drawings that if change, a new resolution will need to be adopted..

MOTION: Sharon Hobart-Hardin made a motion to approve Resolution No. 959. Thomas Cotter seconded the motion which passed with a vote of 4-0.

- (3) **Ordinance 476** - AN ORDINANCE AMENDING ORDINANCE NO. 453, IMPOSING A BUSINESS LICENSE TAX ON MOTOR VEHICLE FUEL DEALERS. First reading by title only.

Mayor Brooker said with the failure of the gas tax in Eugene and Junction City, he is not prepared for a first reading on this ordinance and would like to see how we would fair with a statewide gas tax. He felt it was important for the City to hold off on a local gas tax. He said if the gas tax doesn't pass at the state level, the City could then refer a local gas tax to the voters. He said he would like to look at other options for funding street improvements.

Sharon Hobart-Hardin agreed but said she doesn't have much faith that anything will happen at a state level. She felt maybe something would happen on a county level and would prefer to wait until that time.

Darrell Carman said the prospect of referring a gas tax to the voters is dismal. He said we need a different mechanism to keep our streets from deteriorating.

Thomas Cotter was in favor of enactment of Ordinance 476. He said we need a source of funds for our streets. He said if people continue to vote down maintaining our roads, we're going to continue to be in trouble. He said taxes are higher in Eugene but their gas is cheaper. He felt a state gas tax would probably be defeated and meanwhile our streets get worse.

Mayor Brooker said even if a state gas tax is passed, the amount the City receives might not be adequate.

Councilors decided to wait and see how the process moves and did not enact Ordinance No. 476 for first reading.

Ric said action from the state on a gas tax would be in May/June of 2009. He said if a state gas tax is passed, officials may wait until 2010 to enact it. He said Sen. Medsker toured Veneta streets and roads and he is advocating for the state tax. Ric said it's not staff's intent to wait until 2009 to enact a local gas tax. Mayor Brooker agreed.

MOTION: Thomas Cotter made a motion to approve Ordinance No. 476. Darrell

Carman seconded the motion which failed by a vote of 2-2.

Ric said staff will continue to bring updates on this matter.

- (4) **Ordinance 477** - AN ORDINANCE GRANTING COMSPAN COMMUNICATIONS II, LP A DELAWARE LIMITED PARTNERSHIP, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN A FIBER-BASED SERVICE FACILITY; TO OCCUPY CITY RIGHTS-OF-WAY; AND TO PROVIDE FIBER-BASED SERVICES IN THE CITY OF VENETA, OREGON. First reading by title only.

Ric would like to move forward with granting a non-exclusive franchise to Comspan Communications for the installation of a fiber optic line before the end of the calendar year. He said the City negotiated a 7% franchise fee for all voice services and 5% for all video services.

MOTION: Thomas Cotter made a motion to approve Ordinance No. 477 for first reading by title only. Sharon Hobart-Hardin seconded the motion.

Sharon Hobart-Hardin thanked Ric for the work he completed in bringing fiber optics to Veneta.

In response to a question from Darrell Carman, Ric said the fiber optic line will be installed underground where underground utilities are located and above ground where poles are used.

MOTION: Vote, 4-0.

- (5) **Resolution 960** - A RESOLUTION AUTHORIZING SIGNERS ON VARIOUS BANKING ACCOUNTS FOR THE CITY OF VENETA AND REPEALING RESOLUTION 723.

Ric said Resolution 960 is required in order to add Sheryl Hackett as an authorized check signer for the City of Veneta. Margaret Boutell was removed as an authorized signer.

MOTION: Thomas Cotter made a motion to approve Resolution No. 960. Sharon Hobart-Hardin seconded the motion which passed with a vote of 4-0.

- (6) Request for Motion Directing the City Engineer to prepare Cost Estimates and a Written Report for Bolton Hill Road Improvements

Ric said the gap in sewer service on Bolton Hill Road should be addressed in conjunction with the improvements Lane County will be doing to Bolton Hill Road. He said if the Council wishes to address the issue, an LID process needs to begin. To do so, the Council is required to make a motion to direct Jerry Elliott to start on the cost estimates and written LID report.

MOTION: Darrell Carman made a motion to direct the City Engineer to prepare Cost Estimates and a Written Report for the Bolton Hill Road Improvements. Sharon Hobart-Hardin seconded the motion which passed with a vote of 4-0.

- b. CITY ENGINEER JERRY ELLIOTT
(1) Infiltration and Inflow Proposal
Jerry Elliott said after having a discussion with Kyle and Ric on how to address the condition of the City's sewer infiltration and inflow (I & I) system, it was decided to change the bidding and hiring process. Jerry proposed spreading out the citywide sewer project over a series of years with a single contractor. He said

also the City wouldn't have to go through the hiring process each year, saving the City cost by having a one-time process.

Ric said we would start repairing the I & I in the older part of town and then apply a systematic process throughout the City over the next six to eight years.

In response to a question from Mayor Brooker, Jerry Elliott said we don't have a solid way of measuring the contractor's process. He said that is one reason why the permit requires the project to be ongoing.

In response to a question from Mayor Brooker if there is a way to determine if our money is being spent wisely, Kyle explained how we would identify major concerns but we will not be able to review all the work. He said currently the City pays start up costs on every project we do. He said by spreading the work out over several years, the City would pay the start up costs just the first year of construction.

MOTION: Thomas Cotter made a motion to approve the work plan presented by Jerry Elliott, City Engineer. Sharon Hobart-Hardin seconded the motion which passed with a vote of 4-0.

6. OTHER

- a. Request for authorization to submit a letter of endorsement for a Connect Oregon Grant application

Ric said the City has an agreement with Lane Transit District (LTD) to be co-applicants for a grant from the Oregon Department of Transportation (ODOT) for the Connect Oregon program. If the application is accepted and funds are granted, Park N' Ride bus shelters would be installed on both sides of Territorial Road near Luther Lane. The application deadline is November 21st. Staff requested the Council to approve Mayor Brooker to submit a letter of endorsement.

All Councilors agreed.

- b. Request to direct staff to develop a Needs & Issues Inventory list
Ric said legislators made a last minute request for a Needs and Issues Inventory list of the City's infrastructure projects for Oregon Economic and Community Development. The deadline is Friday, November 16, 2007. He said staff will spend a small amount of time refining last year's list for submittal.

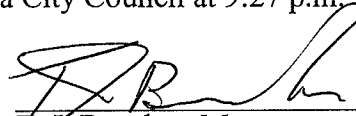
In response to a question from Mayor Brooker, Ric said the list would mirror the City's Economic Plan.

In response to a question from Ric if Councilors had anything to add to the list, Sharon Hobart-Hardin said she would like to request funds for the Tony Garcia Senior Center.

- c. Ric said the Special City Hall Day will be in Cottage Grove at the Community Center on December 12, 2007 at 7:00. Ric said this is an opportunity to discuss local issues including transportation, municipal water supplies, obtaining water rights, and economic development with state and local elected officials and candidates. He encouraged all Councilors and the audience members to attend.

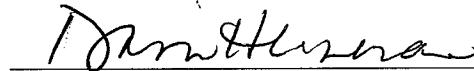
7. **ADJOURN**

Mayor Brooker adjourned the Veneta City Council at 9:27 p.m.



T.J. Brooker, Mayor

ATTEST:



Darci Henneman, Assistant City Recorder